

### **REMARKS**

Claims 1-31 are pending in the Application. Claim 1 is an independent claim and claims 2-24 depend there from. Claim 25 is an independent claim and claims 26-31 depend there from. Applicants respectfully submit that the rejections of claims 1-31 are moot in light of the above amendments.

#### **Claim Rejections under 35 U.S.C. § 102 - Schulman**

Claims 1-3, 5-10, 13-17, 20-26, and 29 stand rejected under 35 U.S.C. § 102(b) as being unpatentable by Schulman et al (US 5,531,774, hereinafter "Schulman").

With regard to the anticipation rejections, MPEP 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states that "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding amended independent claim 1, the Applicant respectfully submits that Schulman fails to teach, suggest, or disclose, for example, "a first processor coupled to said at least one signal input device for performing signal processing on signals received from said at least one signal input device, wherein said first processor comprises at least one automatic-switching mechanism configured to at least one of: switch between modes of said at least one signal input device, switch between said at least one signal input device, and switch between a plurality of listening programs." Instead, Schulman discloses a wearable processor (WP) 16 that is adapted to receive audio signals received by the microphone 18 (Schulman, Column 4, Lines 48-49) and processes the audio signals in such away that makes the signals capable of data transmission from the data transmitter 34 to the ICS 12 (Schulman, Column 5, Lines 42-46).

Nowhere in Schulman is, for example, “at least one automatic-switching mechanism” disclosed. Because Schulman fails to show “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” as required for an anticipation rejection under MPEP 2131, the rejections under 35 U.S.C. § 102(b) cannot be maintained.

Therefore, Applicants respectfully submit that the Schulman reference fails to anticipate Applicants' claim 1, for at least the reasons given above. Claim 1 is an independent claim having dependent claims 2-24. Applicants believe that independent claim 1 is allowable. Because claims 2-24 are dependent claims of claim 1, Applicants respectfully submit that claims 2-24 are, therefore, also allowable for at least the same reasons given with respect to claim 1. Applicants therefore request that the rejection of claims 1-24 under 35 U.S.C. § 102(b) be withdrawn.

Regarding amended independent claim 25, the Applicant respectfully submits that Schulman fails to teach, suggest, or disclose, for example, “preprocessing at least a portion of the collected sounds in the first processor using at least one of: noise reduction techniques, speech enhancement techniques, adaptive directionality techniques, and microphone-matching signal processing techniques.” Instead, as mentioned above, Schulman discloses a wearable processor (WP) 16 that is adapted to receive audio signals received by the microphone 18 (Schulman, Column 4, Lines 48-49) and processes the audio signals in such away that makes the signals capable of data transmission from the data transmitter 34 to the ICS 12 (Schulman, Column 5, Lines 42-46). Nowhere in Schulman is, for example, “at least one of: noise reduction techniques, speech enhancement techniques, adaptive directionality techniques, and microphone-matching signal processing techniques” disclosed. Because Schulman fails to show “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” as required for an anticipation rejection under MPEP 2131, the rejections under 35 U.S.C. § 102(b) cannot be maintained.

Therefore, Applicants respectfully submit that the Schulman reference fails to anticipate Applicants' claim 25, for at least the reasons given above. Claim 25 is an independent claim

having dependent claims 26-31. Applicants believe that independent claim 25 is allowable. Because claims 26-31 are dependent claims of claim 25, Applicants respectfully submit that claims 26-31 are, therefore, also allowable for at least the same reasons given with respect to claim 25. Applicants therefore request that the rejection of claims 25-31 under 35 U.S.C. § 102(b) be withdrawn.

**Claim Rejections under 35 U.S.C. § 103**

Claims 4, 11, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schulman et al (US 5,531,774) in view of Karunasiri (US 6,195,585).

Claims 12 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schulman et al (US 5,531,774) in view of Hahn et al. (US 6,212,431).

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schulman et al (US 5,531,774) in view of Lindemann et al. (US 5,479,522).

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schulman et al (US 5,531,774) in view of Lindemann et al. (US 5,479,522).

Regarding claims 4, 12, 11, 18, and 19, Applicants respectfully submit that claims 4, 12, 11, 18, and 19 are claims dependent on claim 1. The rejection of claim 1 was traversed by Applicants as set forth above, making the rejections of claims 4, 12, 11, 18, and 19 moot.

Similarly, regarding claims 30 and 31, Applicants respectfully submit that claims 30 and 31 are claims dependent on claim 25. The rejection of claim 25 was traversed by Applicants as set forth above, making the rejections of claims 30 and 31 moot.

Applicant reserves the right to argue additional reasons supporting the allowability of claims 1-31 should the need arise in the future.

**CONCLUSION**

Applicant respectfully submits that all of claims 1-31 are in condition for allowance, and requests that the application be passed to issue.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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